

EXHIBIT D

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

IN RE: HIGH-TECH EMPLOYEE)
ANTITRUST LITIGATION)
)
THIS DOCUMENT RELATES TO:)
ALL ACTIONS.)
)

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEO DEPOSITION OF TONY FADELL

MARCH 20, 2013

Reported by: Rosalie A. Kramm, CSR No. 5469, CRR

10:50:03 1 base salary for the people you supervised?

10:50:08 2 A. I was -- I would -- I would recommend -- well,

10:50:11 3 what would happen is typically, if it was a new employee

10:50:14 4 who was going to report to me, they -- I forgot exactly

10:50:19 5 who I think it was recruiting -- [REDACTED]

10:50:24 6 [REDACTED]

10:50:26 7 [REDACTED] [REDACTED]

10:50:28 8 Q. Okay.

10:50:29 9 A. [REDACTED]

10:50:32 10 [REDACTED] [REDACTED]

10:50:35 11 [REDACTED]

10:50:40 12 [REDACTED]

10:50:43 13 [REDACTED]

10:50:46 14 Q. And once that person came to work for you, were

10:50:50 15 they reviewed on an annual basis with respect to

10:50:52 16 compensation?

10:50:53 17 A. Well, they -- so, first, when they were hired,

10:50:57 18 it wasn't just a salary range. There were all kind --

10:51:01 19 like I said, those four other metrics.

10:51:02 20 Q. And I'm sorry. I was just talking about basis

10:51:04 21 and point of entry in the discussion.

10:51:06 22 A. Okay. Then on -- then there was a -- a -- a

10:51:10 23 natural review cycle. Sometimes people if they came too

10:51:13 24 soon to a review cycle, they would miss the review cycle.

10:51:17 25 But if they were there generally for about a year or six

10:51:20 1 months, depending on what the dynamics were at the time,
10:51:25 2 we would then go through a review cycle of the entire
10:51:28 3 team, and certain people based on merit and performance
10:51:31 4 were then -- were then given a -- we would change the
10:51:36 5 compensation full package based on that personal, you
10:51:40 6 know, productivity.

10:51:42 7 Q. So was one of the things that was looked at as
10:51:44 8 part of that cycle base salary?

10:51:52 9 A. It was base salary, it was bonus, and it was
10:51:57 10 equity compensation, all three of those things combined.
10:52:01 11 Benefits were something that were typically not -- you
10:52:05 12 know, that was a company-wide thing.

10:52:07 13 Q. And just in terms of your responsibility, did
10:52:10 14 you have input into each of those -- I guess there are
10:52:13 15 three elements of compensation with respect to your
10:52:16 16 reports; that is the base, the bonus, and the equity
10:52:21 17 comp. Did you have input as part of that process?

10:52:25 18 A. I had input to the individual, yes.

10:52:29 19 Q. Okay.

10:52:32 20 A. Not to the general overarching, you know, what
10:52:35 21 were the guidelines.

10:52:37 22 Q. Fair enough. And were the guidelines provided
10:52:39 23 to you by people within the HR function at Apple? Let me
10:52:46 24 ask a better question.

10:52:46 25 Who provided you the -- the general information

10:52:50 1 regarding the system? As part of your -- that process,
10:52:55 2 where did you get that information?

10:52:57 3 A. [REDACTED] [REDACTED]

10:53:01 4 [REDACTED]

10:53:04 5 [REDACTED]

10:53:06 6 [REDACTED]

10:53:09 7 [REDACTED] [REDACTED]

10:53:11 8 [REDACTED]

10:53:14 9 [REDACTED]

10:53:18 10 Q. [REDACTED]

10:53:20 11 [REDACTED], can you just tell

10:53:25 12 me generally organizationally who would have to be

10:53:27 13 involved in that discussion.

10:53:28 14 A. Well, it was different based on the different

10:53:31 15 time frames that I was employed. Right? So when I was

10:53:37 16 a -- when I started as a director, it was very different

10:53:40 17 who I would speak to than when I was the senior vice

10:53:45 18 president.

10:53:45 19 Q. So just generally could you tell me who you --

10:53:47 20 who would have to be involved organizationally when you

10:53:50 21 were a director in -- [REDACTED]

10:53:55 22 [REDACTED].

10:53:59 23 A. I don't recall specifically. I don't recall.

10:54:02 24 I just don't recall specifically.

10:54:04 25 Q. Were there people from the HR group that were

10:54:06 1 involved?

10:54:09 2 A. Each was a case-by-case basis.

10:54:11 3 Q. Was the CFO involved?

10:54:13 4 A. I don't remember ever getting the CFO involved

10:54:15 5 in any of my --

10:54:17 6 Q. Was Steve Jobs involved?

10:54:19 7 A. No, he was not.

10:54:20 8 Q. Okay. When -- so I think you said that there

10:54:23 9 was a point in time where things changed when you became

10:54:27 10 a director?

10:54:27 11 A. Well, I -- I started as a director.

10:54:29 12 Q. I'm sorry. [REDACTED]

10:54:35 13 [REDACTED]

10:54:39 14 [REDACTED]

10:54:44 15 [REDACTED]?

10:54:46 16 A. [REDACTED]

10:54:49 17 [REDACTED] [REDACTED]

10:54:51 18 [REDACTED]

10:54:55 19 Q. [REDACTED]

10:54:57 20 A. I [REDACTED]

10:55:00 21 [REDACTED]

10:55:00 22 Q. [REDACTED]

10:55:02 23 [REDACTED]

10:55:05 24 [REDACTED]

10:55:07 25 [REDACTED]

I, Rosalie A. Kramm, Certified Shorthand
Reporter licensed in the State of California, License No.
5469, hereby certify that the deponent was by me first
duly sworn and the foregoing testimony was reported by me
and was thereafter transcribed with computer-aided
transcription; that the foregoing is a full, complete,
and true record of said proceedings.

I further certify that I am not of counsel or attorney for either of any of the parties in the foregoing proceeding and caption named or in any way interested in the outcome of the cause in said caption.

12 The dismantling, unsealing, or unbinding of the
13 original transcript will render the reporter's
14 certificates null and void.

15 In witness whereof, I have hereunto set my hand
16 this day: April 2, 2013.

17 X Reading and Signing was requested.

18 _____ Reading and Signing was waived.

19 _____ Reading and signing was not requested

20 | Page

21 | _____

22 ROSALIE A. KRAMM

23 CSR 5469, RPR, CRR